

<b>TO: Mail Stop 8</b> <b>Director of the U.S. Patent &amp; Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
---	---

In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been  
filed in the U.S. District Court Northern District of California on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. <b>CV 11-02000 EMC</b>	DATE FILED <b>April 29, 2011</b>	U.S. DISTRICT COURT <b>450 Golden Gate Avenue, P.O. Box 36060, San Francisco, CA 94102</b>
PLAINTIFF <b>TV INTERACTIVE DATA CORPORATION</b>		DEFENDANT <b>P&amp;F USA, INC</b>
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 see Complaint		
2 <b>5,597,307</b>		
3 <b>5,795,156</b>		
4 <b>6,249,863</b>		
5 <b>6,418,532</b>		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1			
2			
3			
4			
5			

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
--------------------

CLERK <b>Richard W. Wieking</b>	(BY) DEPUTY CLERK <b>Sheila Rash</b>	DATE <b>April 29, 2011</b>
------------------------------------	---	-------------------------------

Copy 1—Upon initiation of action, mail this copy to Commissioner    Copy 3—Upon termination of action, mail this copy to Commissioner  
Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner    Copy 4—Case file copy

ADR

E-FILING

ORIGINAL FILED  
APR 20 2011

Richard W. Winkling  
Clerk, U.S. District Court  
Northern District of California  
San Jose

EMC

COPY

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.  
ATTORNEYS AT LAW  
LOS ANGELES

1 David Martinez (CA Bar No. 193183), DMartinez@rkmc.com  
2 **ROBINS, KAPLAN, MILLER & CIRESI L.L.P.**  
3 2049 Century Park East, Suite 3400  
4 Los Angeles, CA 90067-3208  
5 Telephone: (310) 552-0130  
6 Facsimile: (310) 229-5800

7 Ronald J. Schutz (*Pro Hac Vice* to be submitted), RJSchutz@rkmc.com  
8 Richard M. Martinez (*Pro Hac Vice* to be submitted), RMMartinez@rkmc.com  
9 Sang Young A. Brodie (*Pro Hac Vice* to be submitted), SYBrodie@rkmc.com  
10 Trevor J. Foster (*Pro Hac Vice* to be submitted), TJFoster@rkmc.com  
11 Victor C. Chan (*Pro Hac Vice* to be submitted), VCChan@rkmc.com  
12 **ROBINS, KAPLAN, MILLER & CIRESI L.L.P.**  
13 800 LaSalle Avenue, 2800 LaSalle Plaza  
14 Minneapolis, MN 55402-2015  
15 Telephone: (612) 349-8500  
16 Facsimile: (612) 339-4181

17 Attorneys for Plaintiff,  
18 TV INTERACTIVE DATA CORPORATION

19 **UNITED STATES DISTRICT COURT**  
20 **NORTHERN DISTRICT OF CALIFORNIA**

21 TV INTERACTIVE DATA CORPORATION, a  
22 California Corporation,  
23 Plaintiff,  
24 v.  
25 P&F USA, Inc.,  
26 Defendant.

27 Case No.  
28 **COMPLAINT; DEMAND FOR JURY TRIAL**

**COMPLAINT**

29 Plaintiff TV Interactive Data Corporation ("TVI"), for its complaint against the above-  
30 named Defendant, states and alleges upon information and belief as follows:

**INTRODUCTION**

31 1. This is an action for patent infringement involving the automatic playback feature  
32 in DVD-VIDEO and Blu-ray Disc™ (including Blu-ray 3D) players. This automatic playback  
33 feature is disclosed and claimed in United States Patent No. 5,597,307, United States Patent No.  
34 5,795,156, United States Patent No. 6,249,863, and United States Patent No. 6,418,532  
35 (collectively, the "patents-in-suit"), which are all owned by TVI.

2. TVI's patent infringement claims asserted in this action are also being asserted in *TV Interactive Data Corp. et al.*, Case No. 5:10-cv-00475 (N.D. Cal.) (the "Sony Action") against, *inter alia*, Funai Electric Co., Ltd ("Funai").

3. Defendant is a sales subsidiary of Funai that infringes the patents-in-suit by, among other activities, selling and/or distributing Philips-branded DVD-VIDEO and Blu-ray Disc™ (including Blu-ray 3D) players.

4. TVI believes that Funai is responsible and liable for any and all infringement of the patents-in-suit by Defendant. However, because Funai has taken a contrary view and is treating Defendant as a separate entity and a non-party in the Sony Action (including, but not limited to, denying discovery relating to Defendant), TVI asserts its patent infringement claims in this action against Defendant in order to fully protect TVI's interests in the patents-in-suit.

#### **PARTIES**

5. Plaintiff TVI is a California corporation located at 19870 Mendelsohn Lane, Saratoga, CA 95070.

6. Defendant P&F USA, Inc. is a Georgia corporation, with its headquarters at 3015 Windward Plaza, Suite 100, Alpharetta, GA 30005, and doing business in this judicial district. It is a sales subsidiary of Funai.

#### **JURISDICTION**

7. This Court has jurisdiction over TVI's patent infringement claims under 28 U.S.C. § 1338(a), because these claims arise under Acts of Congress relating to patents including, but not limited to, 35 U.S.C. §§ 271(a)-(c), 281, and 283-285.

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and § 1400(b).

#### **INTRADISTRICT ASSIGNMENT**

9. This is a patent infringement action and, under Civil L.R. 3-2(c) and General Order 44 of this Court, venue is proper in any courthouse in this District. However, pursuant to Civil L.R. 3-12(b), TVI plans to file an administrative motion in the Sony Action to consider whether this case should be ordered a "related case" to the Sony Action. The Sony Action is pending and venued in the United District Court for the Northern District of California, San Jose

1 Division, before the Honorable Jeremy Fogel, United States District Judge, and the Honorable  
2 Howard R. Lloyd, United States Magistrate Judge. TVI seeks to have this action assigned to  
3 Judge Fogel, who is responsible for the Sony Action, because this action and the Sony Action  
4 concern substantially the same parties, property, transaction, event, and/or questions of law.  
5 Moreover, there will be an unduly burdensome duplication of labor and expense or conflicting  
6 results if this action and the Sony Action are conducted before different Judges.

7 **FACTUAL BACKGROUND**

8 ***THE PATENTS-IN-SUIT***

9 10. On January 28, 1997, the United States Patent and Trademark Office ("USPTO")  
10 issued United States Patent No. 5,597,307 ("the '307 patent"), entitled Method For Starting Up A  
11 Process Automatically On Insertion Of A Storage Media Into A Host Device, to TVI, as assignee  
12 of inventors Peter M. Redford and Donald S. Stern.

13 11. On November 17, 2005, the USPTO commenced an ex parte reexamination  
14 proceeding for the '307 patent.

15 12. On January 20, 2009, the USPTO issued an Ex Parte Reexamination Certificate for  
16 the '307 patent. A copy of the '307 patent and the Ex Parte Reexamination Certificate is attached  
17 hereto as Exhibit A.

18 13. TVI is the owner of the '307 patent.

19 14. On August 18, 1998, the USPTO issued United States Patent No. 5,795,156 ("the  
20 '156 patent"), entitled Host Device Equipped With Means For Starting A Process In Response To  
21 Detecting Insertion Of A Storage Media, to TVI, as assignee of inventors Peter M. Redford and  
22 Donald S. Stern.

23 15. On November 15, 2005, the USPTO commenced an ex parte reexamination  
24 proceeding for the '156 patent.

25 16. On April 8, 2008, the USPTO issued an Ex Parte Reexamination Certificate for the  
26 '156 patent. A copy of the '156 patent and the Ex Parte Reexamination Certificate is attached  
27 hereto as Exhibit B.

28 17. TVI is the owner of the '156 patent.

1 18. On June 19, 2001, the USPTO issued United States Patent No. 6,249,863 ("the  
2 '863 patent"), entitled Host Device Equipped With Means For Starting A Process In Response To  
3 Detecting Insertion Of A Storage Media, to TVI, as assignee of inventors Peter M. Redford and  
4 Donald S. Stern.

5 19. On November 4, 2005, the USPTO commenced an ex parte reexamination  
6 proceeding for the '863 patent.

7 20. On January 1, 2008, the USPTO issued an Ex Parte Reexamination Certificate for  
8 the '863 patent. A copy of the '863 patent and the Ex Parte Reexamination Certificate is attached  
9 hereto as Exhibit C.

10 21. TVI is the owner of the '863 patent.

11 22. On July 9, 2002, the USPTO issued United States Patent No. 6,418,532 ("the '532  
12 patent"), entitled Host Device Equipped With Means For Starting A Process In Response To  
13 Detecting Insertion Of A Storage Media, to TVI, as assignee of inventors Peter M. Redford and  
14 Donald S. Stern.

15 23. On November 21, 2005, the USPTO commenced an inter partes reexamination  
16 proceeding for the '532 patent.

17 24. On September 30, 2008, the USPTO issued an Inter Partes Reexamination  
18 Certificate for the '532 patent. A copy of the '532 patent and the Inter Partes Reexamination  
19 Certificate is attached hereto as Exhibit D.

20 25. TVI is the owner of the '532 patent.

21 26. TVI exercises its rights under the '307, '156, '863, and '532 patents (collectively  
22 the "patents-in-suit") by granting license rights. Microsoft Corporation, Panasonic Corporation,  
23 Samsung Electronics Co., Ltd., LG Electronics, Inc., and Pioneer Corporation are companies that  
24 have taken licenses to the patents-in-suit.

25 ***FACTS RELATING TO P&F USA, INC.'S INFRINGEMENT OF THE PATENTS-IN-SUIT***

26 27. P&F USA, Inc. makes, uses, sells, offers to sell, imports, supplies, and/or causes to  
27 be supplied, in or into the United States, DVD-VIDEO and/or Blu-ray Disc™ (including Blu-ray  
28 3D) player devices containing the automatic playback technology disclosed and claimed in the

1 '307, '156, '863, and '532 patents. The accused products or devices include all DVD-VIDEO  
2 and/or Blu-ray Disc™ (including Blu-ray 3D) players capable of, after initial boot-up,  
3 automatically detecting insertion of a storage medium, such as a DVD-VIDEO, BD-ROM, or  
4 Blu-ray 3D Disc, and automatically starting a process or executing an application without  
5 rebooting.

6 28. P&F USA, Inc. offers to sell or sells within the United States or imports into the  
7 United States material components of TVI's patented inventions, such as software loaded onto the  
8 accused P&F USA, Inc. devices, and/or firmware and/or hardware (e.g., chipsets) contained in the  
9 accused P&F USA, Inc. devices. P&F USA, Inc. knows that those material components are (1)  
10 especially made or especially adapted for use with the infringing automatic playback technology  
11 in the accused P&F USA, Inc. devices, resulting in infringement of apparatus and/or method  
12 claims of the patents-in-suit, and (2) are not staple articles or commodities of commerce suitable  
13 for substantial non-infringing use.

14 29. P&F USA, Inc.'s customers who purchase the accused P&F USA, Inc. devices use  
15 those devices in a manner (e.g., use the automatic playback technology with DVD-VIDEO, BD-  
16 ROM, and/or Blu-ray 3D Disc) that directly infringes one or more claims of the patents-in-suit.

17 30. P&F USA, Inc. actively and knowingly induces its customers who purchase the  
18 accused P&F USA, Inc. devices to directly infringe one or more claims of the patents-in-suit.

19 31. P&F USA, Inc. configures the accused P&F USA, Inc. devices to automatically  
20 run and/or utilize the automatic playback technology upon insertion of DVD-VIDEO, BD-ROM,  
21 and/or Blu-ray 3D Disc into the accused P&F USA, Inc. devices by a user. P&F USA, Inc. also,  
22 or alternatively, instructs its customers through manuals and/or other means to enable and/or use  
23 the automatic playback technology in the accused P&F USA, Inc. devices.

24 32. At least the actions described in the preceding paragraph induce P&F USA, Inc.'s  
25 customers to directly infringe one or more claims of the patents-in-suit. P&F USA, Inc.,  
26 furthermore, knows or should know that its actions induce actual infringement.  
27  
28

1 33. P&F USA, Inc.'s direct and indirect infringement of the '307, '156, '863, and '532  
2 patents has injured TVI and will cause irreparable injury in the future unless P&F USA, Inc. is  
3 enjoined from infringing the patents.

4 34. P&F USA, Inc.'s infringement, furthermore, is and has been willful. At least the  
5 filing of the Sony Action and the action styled as *TV Interactive Data Corp. v. Sony Corp. et al.*,  
6 Case No. 5:09-cv-04755-JF (N.D. Cal.) have provided notice to P&F USA, Inc. that it infringes  
7 the patents-in-suit. Notwithstanding these facts and this knowledge, P&F USA, Inc. elected to  
8 engage in activity that infringes the patents-in-suit. P&F USA, Inc. did not even attempt to  
9 contact TVI to discuss acquiring a potential license for the infringing activity. P&F USA, Inc.  
10 acted and continues to act in the face of an objectively high likelihood that those actions  
11 constitute and constituted infringement of the patents-in-suit. P&F USA, Inc. is and was aware of  
12 its infringement. At a minimum, P&F USA, Inc.'s infringement is (and was) so obvious that P&F  
13 USA, Inc. should know (and should have known) that its actions result in (and resulted in)  
14 infringement of one or more claims of the patents-in-suit.

15 **COUNT I — PATENT INFRINGEMENT OF THE '307 PATENT BY P&F USA, INC.**

16 35. Plaintiff TVI restates and re-alleges each of the allegations in each of the previous  
17 paragraphs of this complaint and incorporates them herein.

18 36. P&F USA, Inc. has infringed and continues to infringe—directly, contributorily,  
19 and/or by active inducement—one or more claims of the '307 patent, by making, importing,  
20 offering to sell, selling, supplying, causing to be supplied, using, and/or causing to be used, in or  
21 into the United States, devices and/or systems and methods that embody or practice the inventions  
22 claimed in the '307 patent. The P&F USA, Inc. products that embody the inventions claimed in  
23 the '307 patent include the Philips BDP7200, Philips HTS5100, and all other DVD-VIDEO  
24 and/or Blu-ray Disc™ (including Blu-ray 3D) players capable of, after initial boot-up,  
25 automatically detecting insertion of a storage medium, such as a DVD-VIDEO, BD-ROM, or  
26 Blu-ray 3D Disc, and automatically starting a process or executing an application without  
27 rebooting.  
28

1 37. The infringement by P&F USA, Inc. of the '307 patent has injured and continues  
2 to injure TVI, and will cause irreparable harm unless P&F USA, Inc. is enjoined from infringing  
3 the patent.

4 38. The infringement by P&F USA, Inc. of the '307 patent is and has been willful.

5 **COUNT II — PATENT INFRINGEMENT OF THE '156 PATENT BY P&F USA, INC.**

6 39. Plaintiff TVI restates and re-alleges each of the allegations in each of the previous  
7 paragraphs of this complaint and incorporates them herein.

8 40. P&F USA, Inc. has infringed and continues to infringe—directly, contributorily,  
9 and/or by active inducement—one or more claims of the '156 patent, by making, importing,  
10 offering to sell, selling, supplying, causing to be supplied, using, and/or causing to be used, in or  
11 into the United States, devices and/or systems and methods that embody or practice the inventions  
12 claimed in the '156 patent. The P&F USA, Inc. products that embody the inventions claimed in  
13 the '156 patent include the Philips BDP7200, Philips HTS5100, and all other DVD-VIDEO  
14 and/or Blu-ray Disc™ (including Blu-ray 3D) players capable of, after initial boot-up,  
15 automatically detecting insertion of a storage medium, such as a DVD-VIDEO, BD-ROM, or  
16 Blu-ray 3D Disc, and automatically starting a process or executing an application without  
17 rebooting.

18 41. The infringement by P&F USA, Inc. of the '156 patent has injured and continues  
19 to injure TVI, and will cause irreparable harm unless P&F USA, Inc. is enjoined from infringing  
20 the patent.

21 42. The infringement by P&F USA, Inc. of the '156 patent is and has been willful.

22 **COUNT III — PATENT INFRINGEMENT OF THE '863 PATENT BY P&F USA, INC.**

23 43. Plaintiff TVI restates and re-alleges each of the allegations in each of the previous  
24 paragraphs of this complaint and incorporates them herein.

25 44. P&F USA, Inc. has infringed and continues to infringe—directly, contributorily,  
26 and/or by active inducement—one or more claims of the '863 patent, by making, importing,  
27 offering to sell, selling, supplying, causing to be supplied, using, and/or causing to be used, in or  
28 into the United States, devices and/or systems and methods that embody or practice the inventions



1 claimed in the '863 patent. The P&F USA, Inc. products that embody the inventions claimed in  
 2 the '863 patent include the Philips BDP7200, Philips HTS5100, and all other DVD-VIDEO  
 3 and/or Blu-ray Disc™ (including Blu-ray 3D) players capable of, after initial boot-up,  
 4 automatically detecting insertion of a storage medium, such as a DVD-VIDEO, BD-ROM, or  
 5 Blu-ray 3D Disc, and automatically starting a process or executing an application without  
 6 rebooting.

7 45. The infringement by P&F USA, Inc. of the '863 patent has injured and continues  
 8 to injure TVI, and will cause irreparable harm unless P&F USA, Inc. is enjoined from infringing  
 9 the patent.

10 46. The infringement by P&F USA, Inc. of the '863 patent is and has been willful.

11 **COUNT IV — PATENT INFRINGEMENT OF THE '532 PATENT BY P&F USA, INC.**

12 47. Plaintiff TVI restates and re-alleges each of the allegations in each of the previous  
 13 paragraphs of this complaint and incorporates them herein.

14 48. P&F USA, Inc. has infringed and continues to infringe—directly, contributorily,  
 15 and/or by active inducement—one or more claims of the '532 patent, by making, importing,  
 16 offering to sell, selling, supplying, causing to be supplied, using, and/or causing to be used, in or  
 17 into the United States, devices and/or systems and methods that embody or practice the inventions  
 18 claimed in the '532 patent. The P&F USA, Inc. products that embody the inventions claimed in  
 19 the '532 patent include the Philips BDP7200, Philips HTS5100, and all other DVD-VIDEO  
 20 and/or Blu-ray Disc™ (including Blu-ray 3D) players capable of, after initial boot-up,  
 21 automatically detecting insertion of a storage medium, such as a DVD-VIDEO, BD-ROM, or  
 22 Blu-ray 3D Disc, and automatically starting a process or executing an application without  
 23 rebooting.

24 49. The infringement by P&F USA, Inc. of the '532 patent has injured and continues  
 25 to injure TVI, and will cause irreparable harm unless P&F USA, Inc. is enjoined from infringing  
 26 the patent.

27 50. The infringement by P&F USA, Inc. of the '532 patent is and has been willful.  
 28

**PRAYER FOR RELIEF**

**WHEREFORE** Plaintiff TVI prays for the following judgment and relief:

- a. that Defendant P&F USA, Inc. has infringed the '307, '156, '863, and/or '532 patents;
- b. that Defendant P&F USA, Inc. has willfully infringed the '307, '156, '863, and/or '532 patents;
- c. that Plaintiff is entitled to temporary and permanent injunctions enjoining Defendant P&F USA, Inc., and their agents, servants, officers, directors, employees, and persons or entities acting in concert with Defendant P&F USA, Inc., from infringing directly or indirectly, inducing others to infringe, and/or contributing to the infringement of the '307, '156, '863, and/or '532 patents, or, in the alternative, that Defendant P&F USA, Inc. take a compulsory license to the '307, '156, '863, and/or '532 patents;
- d. that Defendant P&F USA, Inc. shall account for and pay to Plaintiff the damages to which it is entitled as a consequence of Defendant P&F USA, Inc. infringement of the '307, '156, '863, and/or '532 patents;
- e. that Defendant P&F USA, Inc. shall account for and pay to Plaintiff treble damages for their willful infringement of the patents-in-suit;
- f. that Defendant P&F USA, Inc. shall account for and pay to Plaintiff the damages to which it is entitled for Defendant P&F USA, Inc.'s continued infringement following the period of infringement established by Plaintiffs at trial;
- g. that this case is exceptional under 35 U.S.C. § 285 and that TVI is entitled to its reasonable attorney fees as the prevailing party in the case;
- h. that Plaintiff is entitled to interests and costs; and
- i. any other relief that the Court finds just and equitable.

**DEMAND FOR JURY TRIAL**

Pursuant to Fed. R. Civ. P. 38(a), Plaintiff TVI demands a jury trial on all issues so triable.

DATED: April 22, 2011

**ROBINS, KAPLAN, MILLER & CIRESI L.L.P.**

By: 

David Martinez (CA Bar No. 193183)

**ROBINS, KAPLAN, MILLER & CIRESI L.L.P.**

2049 Century Park East, Suite 3400

Los Angeles, CA 90067-3208

Telephone: (310) 552-0130

Facsimile: (310) 229-5800

Ronald J. Schutz (*Pro Hac Vice* to be submitted)

Richard M. Martinez (*Pro Hac Vice* to be submitted)

Sang Young A. Brodie (*Pro Hac Vice* to be submitted)

Trevor J. Foster (*Pro Hac Vice* to be submitted)

Victor C. Chan (*Pro Hac Vice* to be submitted)

**ROBINS, KAPLAN, MILLER & CIRESI L.L.P.**

800 LaSalle Avenue, 2800 LaSalle Plaza

Minneapolis, MN 55402-2015

Telephone: (612) 349-8500

Facsimile: (612) 339-4181

**ATTORNEYS FOR PLAINTIFF**

**TV INTERACTIVE DATA CORPORATION**

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.  
ATTORNEYS AT LAW  
LOS ANGELES